Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

20 August 2018

English only

2018 Meeting
Geneva, 4-7 December 2018

Meeting of Experts on Institutional strengthening of the Convention
Geneva, 16 August 2018
Item 4 of the agenda
Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention

Institutional Strengthening of the Convention

Submitted by the Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement and other States Parties to the Biological and Toxin Weapons Convention

I. Introduction

1. NAM and other States Parties to the BWC welcome that during the 2017 Meeting of States Parties to the Biological Weapons Convention (BWC) reached consensus on an intersessional programme from 2018 to 2020.

2. The purpose of the ISP is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme. The work in the intersessional period will be guided by the aim of strengthening the implementation of all articles of the Convention in order to better respond to current challenges.

3. The Group of NAM and other States Parties to the BWC highlights that the Intersessional Period (ISP) is important in the absence of detailed treaty provisions for implementation. We believe that the ISP should aim at achieving progress in the implementation of all articles of the Convention in a balance, comprehensive and consensus based approach.

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II. Agenda Item 4: Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention

4. The Group would like to re-emphasize its position as reflected in the Final Document of the 18th Mid-Term Ministerial Meeting of the Non-Aligned Movement (NAM), which took place in April 2018, in Baku, Republic of Azerbaijan.

5. The Ministers of NAM States Parties to the BTWC reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons, should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind.

6. They recognized the particular importance of strengthening the Convention through the resumption of the multilateral negotiations for a legally binding Protocol dealing with all Articles of the Convention, in a balanced and comprehensive manner, including through verification measures bearing in mind that the lack of such verification regime poses a challenge to the effectiveness of the Convention, and urged the party rejecting negotiations to reconsider its policy.

7. They underlined the importance to maintain close coordination among the NAM States Parties to the Convention and highlighted that the BTWC forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.

8. We recall the final document of the 17th Summit of NAM, in which the Heads of State or Government of NAM States Parties to the BTWC emphasized the importance of the BTWC role in the international legal architecture related to WMD and in particular in the total prohibition on all biological and toxin weapons. They further emphasized the need for enhancing, without restrictions, international cooperation and assistance and exchanges in toxic biological agents equipment and technology for peaceful purposes without any discrimination, in conformity with the Convention. They reaffirmed that the respective mandates of this Convention and other international organizations should be respected, while utilizing the experiences of the relevant multilateral organizations dealing with human and animal health on issues that are of direct relevance to the Convention, and that no actions should be taken to undermine the convention and/or interfere with its mandate.

9. The Group would like to reiterate its deep concern about the potential use and/or threat of use of biological agents and toxins as an instrument of war and terror. In this regard, the Group feels that there is a great necessity and urgency for the States Parties of the BTWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.

10. We strongly believe that the universal adherence to and further strengthening of the Convention will make a significant contribution to advancing further in the field of disarmament on the basis of universal, multilateral, non-discriminatory and transparent negotiations with the goal of reaching general and complete disarmament under strict international control.

11. Pending a consensus on a comprehensive legally binding instrument on the balanced and non-discriminatory implementation of all provisions of the Convention, the Group reaffirms that the Review Conference, as the forum to make substantive and procedural decisions, constitutes as the only authority for reviewing the operation of the Convention with a view to ensuring that the purposes of the Preamble and provisions of the Convention are being realized.

12. While the Group recalls its position on proposals related to compliance assessments, it reiterates that such proposals should not distract the attention of States Parties away from strengthening the Convention in all its aspects including the need for a verification mechanism. Effective international action against biological threats needs to be universal, legally binding, and non-discriminatory. In addition, this cannot be achieved without strengthening national capacity.

13. Recent developments once again highlight the need to conclude a legally binding instrument to strengthen the Convention in all its aspects. In the past, useful work has been done in this regard under the BWC in the Ad hoc Group and NAM continues to attach high importance to preserving and eventually resuming that work.

14. NAM believes that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII to States Parties to the BWC. NAM further reaffirms that providing and/or supporting timely assistance in accordance with Article VII is a legal obligation of States Parties. While noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, NAM reaffirms that this should not be imposed as a precondition for either provision or receipt of assistance. To this end, while welcoming the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII, a detailed procedure and mechanism for a timely, effective and adequate response needs to be developed.

15. NAM reiterates its position stated during the Group's opening statement to the Sixth and Eighth Review Conferences that: "Although the Group of States of the Non-Aligned Movement and other States Parties to the BWC maintains its conviction that the multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement is the only sustainable method of strengthening the Convention, it recognizes however the value of the inter-sessional ad hoc mechanism for promoting the objectives of the Convention."